

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STEPHEN BURRELL,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY, *in its capacity as administrator of the*
Deloitte LLP Long Term Disability Plan, and
DELOITTE LLP,

Defendants.

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1:18-CV-174-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning the cross-motions for summary judgment filed by Defendant Deloitte LLP (“Deloitte”), (Dkt. 34), Defendant Metropolitan Life Insurance Company, *in its capacity as administrator of the Deloitte LLP Long Term Disability Plan* (“MetLife”) (Dkt. 37), and Plaintiff Stephen Burrell (“Burrell”) (Dkt. 39). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on February 3, 2020. (R&R, Dkt. 48).

On February 14, 2020, Burrell filed an unopposed motion for an extension of the deadline to file objections. (Dkt. 49). The Court granted his motion in part on February 19, 2020, giving Burrell until March 10, 2020, to file objections—nearly an additional month. (Order, Dkt. 50).¹ Burrell was contemporaneously sent emailed notice of the Court’s Order. (Notice of Electronic Filing, Dkt. 50). However, as of the date of this order, no party has filed objections to the report and recommendation.

¹ The Court initially granted Burrell’s motion via text order on February 18, 2020, but vacated that order the following day in the same order that granted his motion in part. (Dkt. 50).

Under 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note to 1983 addition ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that Judge Hightower's report and recommendation, (Dkt. 50), is **ADOPTED**. Deloitte's motion for partial summary judgment on Burrell's claim for benefits under the Short Term Disability plan, (Dkt. 34), is **GRANTED**. Metlife's motion for summary judgment on Burrell's claim for benefits under the Long Term Disability plan, (Dkt. 37), is **GRANTED**. Burrell's motion for summary judgment, (Dkt. 39), is **DENIED**. This Order resolves all of the pending claims in this case. The Court will render final judgment in a separate order.

SIGNED on March 23, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE